

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

November 2, 2009

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black  
Commissioner Adam Coggin  
Commissioner Gary Farley  
Commissioner Jeff Jordan  
Commissioner Jeff Phillips  
Commissioner Steve Sandlin  
Commissioner John Rodgers, C

OTHERS PRESENT:

Ernest Burgess      Susan Allen  
Ronald Williams      Bob Bullen  
Anthony Johnson      Jim Daniel  
Sonya Stephenson  
Steve Schroder  
Becky Shelton

Chairman Rodgers presided and called the meeting to order at 5:30 p.m. with six members being present at that time.

MINUTES:

"Commissioner Farley moved, seconded by Commissioner Sandlin, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

ANNOUNCE FOUR VACANCIES ON AGRICULTURAL BOARD:

Chairman Rodgers advised four vacancies on the Agricultural Board were being announced as the appointments of Frances McDonald, Stan Vaught, Jack Black and Anthony Johnson were expiring.

ANNOUNCE VACANCY ON COMMUNITY CARE BOARD:

Chairman Rodgers advised a vacancy on the Community Care Board was being announced as the appointment of Kaye Jernigan was expiring.

ANNOUNCE ALTERNATE VACANCY ON BEER BOARD:

Chairman Rodgers advised an alternate vacancy on the Beer Board was being announced as William Murray had been appointed to the Board. His alternate position to be filled expires October, 2011.

HUMAN RESOURCES REPORT:

Sonya Stephenson presented the HR report for the use and information of the Committee including results from an HR Satisfaction Survey conducted of department heads, directors, elected officials and general employees. Following discussion,

"Commissioner Sandlin moved, seconded by Commissioner J. Jordan, to approve the Human Resources report as presented. This motion passed unanimously by acclamation."

PRIVATE ACT FOR COUNTY ATTORNEY:

The Committee was provided a copy of the Private Act proposed to be sent to the Legislature to amend the current Private Act regarding the County Attorney. Commissioner Farley advised he has received questions regarding hiring of outside counsel and whether the Commission should approve the same. Mayor Burgess advised the primary objective is to put in place a clear and concise agreement that is in the best interest of the County. Mayor Burgess advised as to the hiring of outside counsel, if anyone can craft a practical, timely agreement without putting the County at risk, he is open to

suggestions. There are time frames within which to respond to lawsuits including 20 days for Federal suits and 30 days for State Court suits. Additionally injunctive relief is 15 days or less. All cases are fact specific and not all law firms can handle every case. Most Federal suits against the County are handled by the Leitner Williams firm in Nashville and since the suits are filed frequently it is impractical to take each one to the Commission. Most Federal suits against the County are filed by inmates. Who cases are referred to has been handled through the County Attorney's Office because he has knowledge of other firms that have expertise to handle and defend properly. It is not possible to have a discussion of the merits of a case in a public forum or discuss the capabilities of different firms. For practical, common sense reasons Mayor Burgess advised he did not know how to present the decision on employment of outside counsel to the Commission before sending a lawsuit to said counsel. The current procedure is the County Attorney chooses outside counsel in consultation with the County Mayor and that is in the proposed Legal Services Agreement to continue to handle this way.

Chairman Rodgers advised the Committee tonight is dealing only with the Private Act as the Legal Services Agreement contains a lot of details under the Private Act. The Committee was reminded the Legal Services Agreement was approved in September but cannot be put into effect until the Private Act is changed. In October the Commission simply hired the County Attorney for two years under the same terms as the prior 26 years.

Mayor Burgess advised the Commission doesn't have to do anything and the County can just continue with the County Attorney for two more years but it was thought the Legal Services Agreement would lead into a transition to in-house counsel.

Commissioner Sandlin advised he thought the October vote made the Legal Services Agreement null and void and the agreement should come back for consideration upon the Private Act being changed.

"Commissioner Farley moved, seconded by Commissioner Coggin, for clarification, to rescind the 9/17/09 Legal Services Agreement. This motion passed unanimously by acclamation."

Commissioner Phillips advised he thought the Mayor should have authority to make some decisions because he is elected by the whole County and Commissioners are elected by their neighbors in districts.

Mayor Burgess advised he has worked on the Legal Services Agreement for over a year and thought it was critical to have an agreement to define the scope of services and how the position is paid. Chairman Rodgers advised he envisioned looking at the Legal Services Agreement next month.

"Commissioner Coggin moved, seconded by Commissioner Phillips, to approve the Private Act presented changing Section 3 to read: "Rutherford County shall enter such additional written agreements with private attorneys and law firms for the provision of additional legal services as the Rutherford County Board of Commissioners may deem appropriate." This motion passed unanimously by acclamation."

#### APPOINTMENT OF JUDICIAL COMMISSIONER:

Chairman Rodgers next advised Judge David Loughry of the General Sessions Court of Rutherford County has requested appointment of Carolyn Overton and Lori Callender as judicial commissioners pursuant to the authority contained in Tennessee Public Acts of 1978, Chapter 933, for terms not to exceed four years and such terms to

conclude and terminate if and when the terms are concluded or the service with Rutherford County is terminated. Following discussion,

"Commissioner Farley moved, seconded by Commissioner Coggin, to recommend appointment of Carolyn Overton and Lori Callender as judicial commissioners for terms not to exceed four years and such terms to conclude and terminate if and when the terms are concluded or the service with Rutherford County is terminated. This motion passed unanimously by acclamation."

There appearing to be no further business to come before the Committee, Chairman Rodgers declared the meeting adjourned at 6:45 p.m.

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JOHN RODGERS, Chairman